

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**BRANDON CALLIER,**

**Plaintiff,**

**v.**

**SUNPATH LTD.; NORTHCOAST  
WARRANTY SERVICES, INC.; and  
JOHN DOES 1-4,**

**Defendants.**

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**EP-20-CV-00105-FM**

**ORDER TO CONSOLIDATE**

On this day, the court considered the case’s status. On April 20, 2020, Brandon Callier filed two cases in the Western District of Texas: the above-captioned cause and 20-CV-00106-FM.<sup>1</sup>

Federal Rule of Civil Procedure 42 (“Rule 42”) empowers a district court to consolidate actions “[i]f the actions before the court involve a common question of law or fact.”<sup>2</sup> The court has discretion to determine whether consolidation “promote[s] the administration of justice.”<sup>3</sup>

After careful consideration, the court finds consolidation of these two causes appropriate. Consistent with Rule 42(a), both cases arise from a common question of law and fact—violations of the Telephone Consumer Protection Act. The only difference between the two cases are the addition of another defendant in 20-CV-00106-FM. Allowing the suits to proceed separately would result in waste of judicial resources, increased costs of litigation, and the risk of

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<sup>1</sup> The second cause is *Callier v. SunPath et.al*, No. EP-20-CV-00106-FM.

<sup>2</sup> FED. R. CIV. P. 42(a); *Frazier v. Garrison I.S.D.*, 980 F.2d 1514, 1531 (5th Cir. 1993).

<sup>3</sup> *Gentry v. Smith*, 487 F.2d 571, 581 (5th Cir. 1973).


inconsistent adjudications. The court also notes the parties would not be prejudiced by consolidation whatsoever because one suit would resolve the entirety of the dispute. Hence, consolidation is proper, as it will “eliminate unnecessary repetition and confusion.”<sup>4</sup>

### **III. CONCLUSION AND ORDERS**

Accordingly, the court enters the following orders:

1. It is **HEREBY ORDERED** that the Clerk of Court **SHALL** consolidate cause numbers EP-20-CV-00105-FM and EP-20-CV-00106-FM into one cause for all purposes. This matter **SHALL** proceed under cause number EP-20-CV-00106-FM.
2. It is **FURTHER ORDERED** that all pending motions in EP-20-CV-00105-FM are **DENIED AS MOOT**.
3. It is **FURTHER ORDERED** that the Clerk of the Court is instructed to **CLOSE** cause number EP-20-CV-00105-FM.

**SIGNED AND ENTERED** this 17th day of **August, 2020**.



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**FRANK MONTALVO**  
**UNITED STATES DISTRICT JUDGE**

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<sup>4</sup> *Dupont v. S. Pac. Co.*, 366 F.2d 193, 195 (5th Cir. 1966).